

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ECF Case
2:14-cv-01801-ADS-ARL

LONG BEACH ROAD HOLDINGS, LLC,

**DECLARATION
Of JACQUELINE M. JAMES
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO FAIRMONT'S
MOTION TO DISMISS**

Plaintiff,

-against-

FOREMOST INSURANCE COMPANY, FAIRMONT
INSURANCE BROKERS, LTD.,

Defendants.

-----X

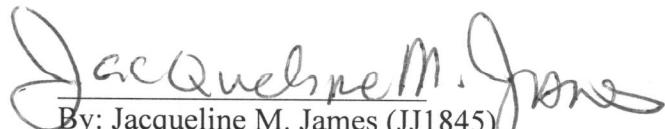
Jacqueline M. James, an attorney at law duly admitted to practice in the State of New York, affirms the following under penalty of perjury:

1. I am Of Counsel to the law firm of Michael Khader P.C., attorneys for Plaintiff Long Beach Holdings, in the above captioned matter. And as such, am familiar with the facts and circumstances hereinafter set forth.
2. Attached hereto are a true and correct copies of pages printed from Defendant Fairmont Insurance Brokers, LTD. web page located at: www.fairmontins.com as Exhibit 1.
3. Attached hereto is a true and correct copy of the Flood Insurance Application filed on behalf of Plaintiff Long Beach Holdings on October 4, 2012 previously submitted to this Court as D.E. # 32 page ID # 261 as Exhibit 2.

4. Attached hereto is a true, correct and full copy of the Evidence of Commercial Property Insurance dated October 25, 2012 issued by Defendant Fairmont Insurance Brokers, LTD. to Plaintiff Long Beach Holdings as Exhibit 3.
5. Attached hereto is a true and correct copy of the Certificate of Liability Insurance dated October 25, 2012 issued by Defendant Fairmont Insurance Brokers, LTD. to Plaintiff Long Beach Holdings as Exhibit 4.
6. Attached hereto is a true and correct copy of the letter sent by Fairmont's President Moishe Mishkowitz dated December 17, 2013 to Foremost and a FEMA employee previously submitted to this Court as D.E. # 32 page ID # 258 as Exhibit 5.

Dated: Westchester County New York
September 5, 2014

Michael Khader P.C.



By: Jacqueline M. James (JJ1845)
Attorneys for Plaintiff Long Beach
733 Yonkers Avenue Suite 200
Yonkers, New York 10704

Plaintiff's
EXHIBIT 1



COMMERCIAL

Complete coverage for
your people and your business



GET A QUOTE



REPORT A CLAIM



PAY YOUR BILL

In a world of uncertainty, nothing can help you feel more at ease than the right insurance coverage. Fairmont takes the time to find out what's important to you — whether for your business or your family — and finds the

good to know it will be exactly what you needed.

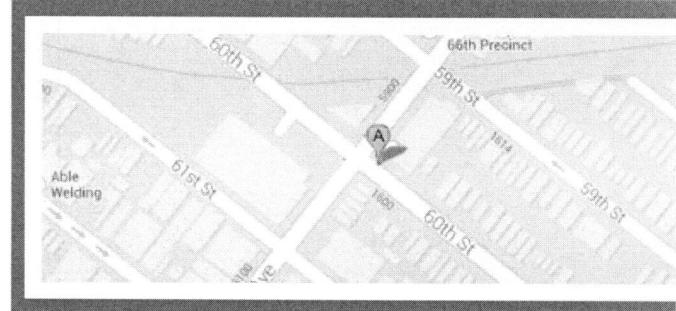


ME
OUT
RVICES
TA QUOTE
PORT A CLAIM
Y YOUR BILL
NTACT

Fairmont Insurance

1600 60th Street
Brooklyn N.Y. 11204

Phone: (718) 232-3300
Toll-free: (800) 379-0019
Fax: (718) 256-9062



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PERSONAL LINES

We take personal insurance, well, personally.

Fairmont won't offer coverage for your family that we wouldn't hold for ours.

You've worked hard to build a life for yourself and your family. Now it's time to make sure it's well protected with insurance coverage that makes sense for your assets and your budget. Fairmont Insurance will find the right comprehensive coverage to protect your family and your assets, with attentive customer service to give you peace of mind.

We offer a full line of personal coverage:



Personal Auto	Homeowners	Renters	Flood	Personal Umbrella
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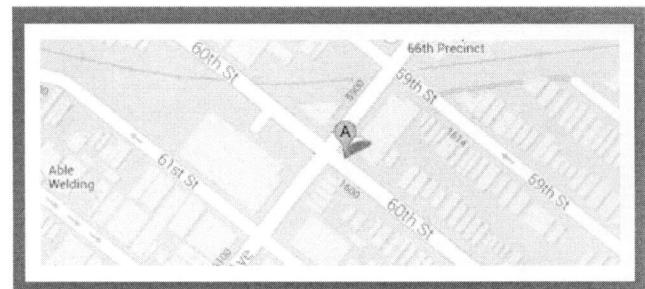
In an age of rising sea levels, adequate flood insurance is becoming more challenging to find, and often has more strings attached. Now more than ever, you need to trust the professionals to make sure you are getting coverage that works for you.

HOME
ABOUT
SERVICES
GET A QUOTE
REPORT A CLAIM
PAY YOUR BILL
CONTACT

Fairmont Insurance

1600 60th Street
Brooklyn N.Y. 11204

Phone: (718) 232-3300
Toll-free: (800) 379-0019
Fax: (718) 256-9062





SERVICES

It's what happens after you get your policy that makes the difference.

Fairmont is with you for the life of your policy with personal, attentive service.

Unlike many agencies who bank on fast commissions and small overhead, Fairmont is committed to servicing your policy for its entire life. So when you need to make a claim, find information about your policy, or make adjustments to your coverage, we'll be there.



Claims Assistance

Audit Assistance

Coverage Assessment

Risk Management

TPA Assignment

As long as you have the right coverage, your assets, investments, and your time are adequately protected. To make sure you have the coverage you need, we review your existing portfolio upon each policy's renewal with these questions in mind:

Are there weaknesses in coverage that leave you and your assets vulnerable?

Does your current level of asset protection reflect your current exposure?

Are there opportunities to broaden coverage without necessarily increasing your premiums?

The same coverage assessment evaluation is used for our new clients as well. Every quote we offer answers these and other questions, aiming to get you the best coverage at the best price. After all, if all you are getting is the lowest premium, you may not be getting the coverage you need.



SERVICES

It's what happens

after you get your policy that makes the difference.

Fairmont is with you for the life of your policy with personal, attentive service.

Unlike many agencies who bank on fast commissions and small overhead, Fairmont is committed to servicing your policy for its entire life. So when you need to make a claim, find information about your policy, or make adjustments to your coverage, we'll be there.



Claims Assistance

Audit Assistance

Coverage Assessment

Risk Management

TPA Assignment

We understand the anguish a loss or a claim can cause, so we go the extra mile to take the weight off your shoulders. Our Claims Specialists make sure your claim, large or small, is handled quickly and efficiently so that you can avoid further losses of assets and time. Our claims staff is professional, courteous, and at your side from the moment you make a claim to its settlement.

And because we carry weight with insurers and claims adjusters thanks to our large volume of business with them, your claim will be settled quickly and fairly. For your convenience, our Claims Department is available extended hours.

But the best time to talk about coverage is before a claim is necessary. The Claims Department is available to talk about claim-related issues. Not sure if you are covered? Is a particular claim worth being reported? Do new circumstances need to be reported? We're always here to answer your questions.



ABOUT US

Since 1984,

Fairmont Insurance has built a sterling reputation as a responsive, full-service insurance agency placing insurance for businesses and private households nationwide.

Our success is due to our extensive experience in property and casualty insurance, and to our distinguished roster of clients in the real estate, construction, wholesale / retail trade, manufacturing, social service, transportation, and hospitality industries. Fairmont Insurance places all forms of insurance coverage, offering individuals, professionals, businesses, and organizations cost-effective solutions for all types of coverage. We have access to specialty markets that enables us to successfully place specialty coverage, even the "hard-to-place risks." Fairmont Insurance Brokers Ltd., located in Brooklyn, New York, is a subsidiary of the Fairmont Group, which is comprised of Fairmont Funding, Fairmont Capital, Fairmont Financial, Nationwide Settlements, and Rockwell Abstract Corporation.



Mission

Staff

We shop for the best products for our clients' needs. As an independent insurance agency and brokerage, we can offer our clients an extensive range of property and casualty solutions without playing favorites with any one carrier.

We develop our markets to ensure best pricing. Fairmont's high volume of business has enabled us to develop preferred agent relationships with the nation's leading carriers, including Greater New York Mutual (GNY), Travelers Insurance, Philadelphia Insurance (Tokio Marine), Starr Insurance and Magna Carta. These associations help us ensure the most competitive rates and best response times in the business.

Although we have extensive relationships with our insurance companies, our main focus is on our client. Our goal is to find the right insurance carrier and design an insurance placement which covers our client on a comprehensive and competitive basis. Fairmont Insurance is not just any broker, we are your broker.

Plaintiff's
EXHIBIT 2

FOREMOST INSURANCE CO.
FLOOD INSURANCE PROCESSING CENTER
P.O. Box 2657
Kalispell, MT 59903-2657
Telephone: (800)240-9270

REFERRED RISK FLOOD INSURANCE APPLICATION - EXTENSION
QUOTE NUMBER: 7814763
POLICY NUMBER:
ALTERNATE POLICY NUMBER:

INSURED ADDRESS	LONG BEACH ROAD HOLDINGS 312 LONG BEACH ROAD ISLAND PARK, NY 11558 Telephone: (914) 447-0337 Email: JobsForPeopleOrganization.com	REQUESTED EFFECTIVE DATE: 10-29-2012 to 10-29-2013 12:01 a.m. local time at the insured property location														
PROPERTY ADDRESS	312 LONG BEACH ROAD ISLAND PARK, NY 11558	AGENT INFO	<p>Agent Name: Falkmont Ins Brokers Ltd Producer Number: 08711-34545-000-00061 Alternate Agent Number: 319200933 Agency Name: Falkmont Ins Brokers Ltd Agent Address: 1600 60TH St Phone Number: Brooklyn, NY 11204-2138 (718)232-3300</p>													
GENERAL INFO	<p>On Renewal B&I Tot: Insured Policy Type: Preferred Risk (PRP) Waiting Period: Loan Transaction - No Wait Loan Close Date: 10-29-2012 Prior Policy Number: Prior Policy Expiration Date: Prior Policy Issued By:</p>	FIRST MORTGAGEE	<p>THE WESTCHESTER BANK 2001 CENTRAL PARK AVENUE YONKERS, NY 10710</p>													
COMMUNITY	<p>Current Community Number: 360471 0307 G FIRM Date: 2-14-1976 Program Type: Regular County: NASSAU COUNTY Current Flood Zone: AE PRP Extension: 2 Year Prior Community Number: 360471 0307 F Prior Flood Zone: X Flood Zone Det Number: 1138-407</p>	SECOND MORTGAGE INFO	<p>SECOND MORTGAGES</p>													
BUILDING	<p>Occupancy: Non Residential Building Use: Other - 1 Family With Commercial Space Building Description: Apartment And Dental Office Foundation: Split Level Basement / Finished Enclosure/Crawl Ventilated: Split Level Number of Floors: No Condo Form of Ownership: No Number of Units: 1 Condo Description: Not a Condo Date of Construction Source: Original Construction Date</p> <p>Date of Construction: 1-1-2002 Course of Construction: No Located on Federal Land: No Principal Residence: No Estimated Replacement Cost: \$840,000 Replacement Cost Ratio: 48% Location of Contents: Basement/Enclosure/Crawlspace and Above Attached Garage: No</p>	LOSS PAYEE DISASTER AGENCY	<p>LOSS PAYEE DISASTER AGENCY</p>													
MANUFACTURED (UNABLE) HOMES	<p>Anchoring Method: Installation Method: Make: Model: Year: Serial Number: Dimensions: Additions/Extensions:</p>	DISASTER ASSISTANCE	<p>Required for Disaster Assistance: No Disaster Government Agency: Not Required Case File Number:</p> <p>A building's eligibility for a Preferred Risk Policy is based on the requirements and the building's flood loss history, as defined in the NFIP Flood Insurance Manual. Does the property meet these eligibility requirements? Yes</p>													
<table border="1"> <thead> <tr> <th>REQUESTED COVERAGE</th> <th>AMOUNT</th> <th>DEDUCTIBLE</th> <th>PREMIUM</th> </tr> </thead> <tbody> <tr> <td>Building</td> <td>\$400,000</td> <td>\$1,000</td> <td>\$2,192</td> </tr> <tr> <td>Contents</td> <td>\$50,000</td> <td>\$1,000</td> <td></td> </tr> </tbody> </table> <p>The above rate is based on the Preferred Risk Eligibility Extension. Standard rates will apply when the extension expires.</p> <p>FULL PREMIUM MUST ACCOMPANY APPLICATION</p>					REQUESTED COVERAGE	AMOUNT	DEDUCTIBLE	PREMIUM	Building	\$400,000	\$1,000	\$2,192	Contents	\$50,000	\$1,000	
REQUESTED COVERAGE	AMOUNT	DEDUCTIBLE	PREMIUM													
Building	\$400,000	\$1,000	\$2,192													
Contents	\$50,000	\$1,000														

The statements contained herein are correct to the best of my knowledge. The property owner and I understand that any false statements may be punishable by fine or imprisonment under applicable federal law.

Signature of Agent/Producer
FP v10.42.55.1
Printed By: 319200933

10-4-2012

Signature of Insured (Optional)

Date

Page 1 of 2
Print Date: 10-23-2012

Plaintiff's
EXHIBIT 3



EVIDENCE OF COMMERCIAL PROPERTY INSURANCE

DATE (MM/DD/YYYY)
10/25/2012

THIS EVIDENCE OF COMMERCIAL PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERNS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

PRODUCER NAME, CONTACT PERSON AND ADDRESS	PHONE (A/C. No. Ext): (718) 232-3300	COMPANY NAME AND ADDRESS	NAIC NO:
Fairmont Insurance Brokers, LTD. 1600 60th Street		Chubb Custom Insurance Company/Foremost Insu 100 village CT ste 101 Hazlet NJ 07730-1548	
Brooklyn	NY 11204	IF MULTIPLE COMPANIES, COMPLETE SEPARATE FORM FOR EACH	
FAX (A/C. No): (718) 256-9062	E-MAIL ADDRESS: MordyL@fairmontins.com	POLICY TYPE Commercial Property	
CODE:	SUB CODE:	LOAN NUMBER	POLICY NUMBER 99773470-00
AGENCY CUSTOMER ID#: 00021463	NAMED INSURED AND ADDRESS Long Beach Road Holdings LLC PO Box 568	EFFECTIVE DATE 4/21/2012	EXPIRATION DATE 4/21/2013
Yonkers	NY 10710	CONTINUED UNTIL TERMINATED IF CHECKED	
ADDITIONAL NAMED INSURED(S)			
THIS REPLACES PRIOR EVIDENCE DATED:			

PROPERTY INFORMATION (Use REMARKS on page 2, if more space is required) BUILDING OR BUSINESS PERSONAL PROPERTY

LOCATION/DESCRIPTION Loc# 00001/Bldg# 00001, 312 Long Beach Road Island Park, NY 11558
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION	PERILS INSURED	BASIC	BROAD	<input checked="" type="checkbox"/> SPECIAL	
COMMERCIAL PROPERTY COVERAGE AMOUNT OF INSURANCE: \$					840,000 DED: 2,500
	YES	NO	N/A		
<input checked="" type="checkbox"/> BUSINESS INCOME <input type="checkbox"/> RENTAL VALUE	X			If YES, LIMIT: 73,200	Actual Loss Sustained: # of months:
BLANKET COVERAGE	X			If YES, indicate value(s) reported on property identified above: \$	
TERRORISM COVERAGE	X			Attach Disclosure Notice / DEC	
IS THERE A TERRORISM-SPECIFIC EXCLUSION?	X				
IS DOMESTIC TERRORISM EXCLUDED?	X				
LIMITED FUNGUS COVERAGE	X			If YES, LIMIT:	DED:
FUNGUS EXCLUSION (If "YES", specify organization's form used)	X				
REPLACEMENT COST	X				
AGREED VALUE	X				
COINSURANCE	X			If YES, 80%	
EQUIPMENT BREAKDOWN (If Applicable)	X			If YES, LIMIT:	DED:
ORDINANCE OR LAW - Coverage for loss to undamaged portion of bldg	X				
- Demolition Costs	X			If YES, LIMIT:	DED:
- Incr. Cost of Construction	X			If YES, LIMIT:	DED:
EARTH MOVEMENT (If Applicable)	X			If YES, LIMIT:	DED:
FLOOD (If Applicable)	X			If YES, LIMIT: 400,000	DED: 1,000
WIND / HAIL (If Subject to Different Provisions)	X			If YES, LIMIT:	DED:
PERMISSION TO WAIVE SUBROGATION IN FAVOR OF MORTGAGE HOLDER PRIOR TO LOSS	X				

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST		LENDER SERVICING AGENT NAME AND ADDRESS
MORTGAGEE	CONTRACT OF SALE	
LENDERS LOSS PAYABLE <input checked="" type="checkbox"/>	Mortgagee & Loss Payee	
NAME AND ADDRESS		
The Westchester Bank ISAOA ATIMA 2001 Central Park Avenue Yonkers, NY 10710		AUTHORIZED REPRESENTATIVE
		M Mishkowitz/ERICAR 

EVIDENCE OF COMMERCIAL PROPERTY INSURANCE REMARKS - Including Special Conditions (Use only if more space is required)

Plaintiff's
EXHIBIT 4



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/25/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERs NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

Fairmont Insurance Brokers, LTD.
1600 60th Street

Brooklyn NY 11204

INSURED
Long Beach Road Holdings LLC
PO Box 568

Yonkers NY 10710

CONTACT
NAME: Erica Richardson
PHONE (A/C No. Ext): (718) 232-3300
E-MAIL: Erica@fairmontins.com
FAX (A/C No): (718) 256-9062

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER: Tower Group Companies

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER: CL12102537958

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL/SUBR INSR/WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY					
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		CLD0003528	4/21/2012	4/21/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 0
	GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	ANY AUTO ALL OWNED AUTOS HIRED AUTOS	SCHEDULED AUTOS NON-OWNED AUTOS				
	UMBRELLA LIAB	OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	CLAIMS-MADE				AGGREGATE \$
	DED	RETENTION \$				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N				WC STATUTORY LIMITS \$ OTHR. \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/>	N/A			E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The certificate holder is listed as additional insured with respect to 312 Long Beach Road, Island Park, NY 11558

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

M Mishkowitz/ERICAR

Erica Richardson

Plaintiff's
EXHIBIT 5

JACKIE JAMES

To: Joseph Spiezio
Subject: RE: Long Beach Road Holdings (Policy#: 87051013312012 DOL: 10/29/12)

-----Original Message-----

From: Joseph Spiezio [mailto:Joseph.Spiezio@wasteservices.net]
Sent: Thursday, May 22, 2014 11:28 AM
To: 'Jacqueline James'
Subject: FW: Long Beach Road Holdings (Policy#: 87051013312012 DOL: 10/29/12)

Joseph F. Spiezio, III
Chairman

[wsa]

1 Radisson Plaza,
New Rochelle, NY 10801
joseph.spiezio@wasteservices.<mailto:joseph.spiezio@wasteservices.>.net
914-378-0100 (T) Ext. 1851
914-992-8430 (F)

DISCLAIMER

No principal, employee or agent of the sender is authorized to conclude any binding agreement or the amendment/authorization of any contractual obligation mentioned herein on behalf of this entity with another party by email unless such agreement is confirmed in a writing signed by an official of the party to be charged. The sender accepts no liability for the content of this email, or for the consequences of any actions taken of the basis of the information provided, unless that information is subsequently confirmed in a writing signed by an official of the party to be charged.

CONFIDENTIALITY NOTICE This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the systems manager. If you are not the named addressee, the dissemination, distribution or copying of this email is strictly prohibited.

From: Nora Kelty [mailto:nkelty@FairmontInns.com]
Sent: Tuesday, December 17, 2013 4:53 PM
To: sarah.bigelow@dhs.gov
Cc: Moishe Mishkowitz; Joseph Spiezio; Joseph Pollak
Subject: Long Beach Road Holdings (Policy#: 87051013312012 DOL: 10/29/12)

Hello Sarah-

We are writing in response to the letter (attached) that was sent to our insured, upholding the denial of their flood claim that was filed with Foremost Insurance.

A

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please immediately alert the sender by reply e-mail and then delete this message and any attachments. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Fairmont Insurance Brokers, LTD.
1600 60th Street, Brooklyn, NY 11204
PH: 718-232-3300
Fax: 718-906-0903
nkelety@FairmontIns.com<mailto:nkelety@FairmontIns.com>

Sincerely,
Nora Keltyn behalf of Moishe Mischkowitz, President

The effective date of coverage began at 12:01 a.m. after the application and the present of payment of the premium. From the above statement, if the insured was in the process of closing a mortgage, they would be covered, as this was the initial purchase of food insurance through a refinance. The two letters from the mortgagee confirm that the insured was in the process of closing. Having reviewed all of the above, it is quite clear that the insured was in compliance with the NFP guidelines and the claim should be paid in full.

"The following two exceptions are crucial to a variety of situations that lenders deal with every day. They apply when coverage is placed in conjunction with loan activity or remapping of a community. NFIRAs contains what is called the "initial purchase" provision, which states the 30-day waiting period does not apply to the following instances: (1) The initial purchase of flood insurance.....when the purchase is in connection with the making, increasing, extension, or renewal of a loan".

We have included a letter dated 10/12 from the insured's bank advising that flood insurance was needed prior to closing. Furthermore we have a current letter from the bank restating this point, and making it more clear that in-force flood insurance was required prior to the scheduling of the closing date.